20. (New) The method of claim 19 wherein estimating said taxpayer's income for the current year comprises extrapolating said taxpayer's income based on prior years.

REMARKS

Claims 1-5 are pending in the present application. Applicant has amended claims 1-5 and added new claims 6-20 for the Examiner's consideration.

Drawings

Applicant notes the Examiner's objection to the drawings. Applicant respectfully requests that the Examiner hold the drawing objections in abeyance until a notice of allowance is received.

Specification

The Examiner has objected to the abstract of the disclosure because it includes language that is implied. Applicant has amended the abstract as suggested by the Examiner. Applicant respectfully submits the amended specification overcomes the Examiner's objection.

Claim Rejections

The Examiner has rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 5,193,057) in view of George (U.S. Pat. 5,946,668). It is the Examiner's position that Longfield teaches Applicant's invention except for a loan based on an estimated tax refund. It is the Examiner's position George teaches use of an estimated tax refund. Applicant has amended claims 1-3 to indicate that historical tax refund data comprises data regarding tax refunds received by the taxpayer in prior years. Applicant has amended claims 4 and 5 to indicate that a

taxpayer's income tax is estimated. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

It is the Examiner's position the Longfield reference teaches Applicant's invention except for a loan based on an estimated tax refund. Applicant respectfully submits, however, that in addition to failing to teach a loan based on an estimated tax refund, Longfield does not disclose use of historical tax refund data to provide a loan to a taxpayer. Applicant has amended claims 1-3 to indicate that historical tax refund data relates to tax refunds received by the taxpayer in prior years. Applicant respectfully submits that Longfield teaches only processing of information for the current tax year in order to determine the taxpayer's current tax liability. Longfield does not disclose use of tax refund data from prior years for any reason. Applicant respectfully submits therefore, that the Longfield reference does not teach use of historical tax data as disclosed by Applicant and therefore, it cannot support the present rejections.

It is the Examiner's position the George reference teaches use of an estimated tax refund. George teaches a system and method for funding a home investment trust in which a portion of a tax refund attributable to a home mortgage interest deduction may be used to fund a trust. Determining the portion of a tax refund attributable to a home mortgage interest is straightforward because a mortgage amortization table may be used to determine how much interest is paid during each year of the mortgage. Applicant respectfully submits that the amount is not estimated at all and that it relates to only a portion of a tax refund. Therefore, the George reference does not disclosing estimating of a tax refund. Applicant has amended claims 4 and 5 to indicate that a taxpayer's income tax refund is estimated. Applicant respectfully therefore, that the
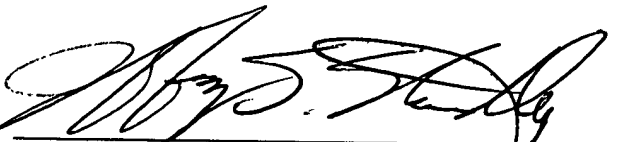
George reference cannot be combined with the Longfield reference to support the present rejections.

Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested.

Dated: 12/26/02

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<u>VERSION WITH MARKINGS TO SHOW CHANGES MADE</u>

IN THE ABSTRACT:

A system and method ~~are described in which a taxpayer may receive~~ <u>for</u> <u>providing to a taxpayer</u> a loan in an amount based on the taxpayer's estimated tax refund amount due for a current year, the loan being provided to the taxpayer prior to year end of the current tax year and prior to completion and filing of the taxpayer's current year tax return forms with a taxing authority. <u>The taxpayer's estimated tax</u> <u>refund may be based on historical tax refund data as well as current year income data.</u> <u>A loan granting entity may consider the level of tax refunds that the taxpayer has</u> <u>received in previous years as well as income data for the first three quarters of the year</u> <u>to determine a reasonable estimate of the tax refund amount that the taxpayer will likely</u> <u>receive for the current tax year.</u>

IN THE CLAIMS:

1. (Amended) A system for providing a loan to a taxpayer, comprising:

historical tax refund data for said taxpayer<u>, said historical tax refund data</u> <u>comprising tax refund data for at least one year prior to the current year</u>;

year to date income information for the current year, for said taxpayer;

year to date expense information for the current year, for said taxpayer;

a processor adapted to process said historical tax return data, said year to date income data, and said year to date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year;

a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated tax refund amount for said current tax year for said taxpayer.

2. (Amended) A system for providing a loan to a taxpayer, comprising:

historical tax refund data for said taxpayer, said historical tax refund data comprising tax refund data for at least one year prior to the current year;

year to date income information for the current year, for said taxpayer;

a processor adapted to process said historical tax return data and said year to date income data to determine an estimated tax refund amount for said taxpayer for said current tax year;

a loan provided to said tax payer prior to the end of said current tax year in an amount based on said estimated tax refund amount for said current tax year for said taxpayer.

3. (Amended) A system for providing a loan to a taxpayer, comprising:

historical tax refund data for said taxpayer, said historical tax refund data comprising tax refund data for at least one year prior to the current year;

present job verification data for said taxpayer;

a processor adapted to process said historical tax return data and said present job verification data to determine an estimated tax refund amount for said taxpayer for said current tax year;

a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated tax refund amount for said current tax year for said taxpayer.

4. (Amended) A system for providing a loan to a taxpayer, comprising:

income information for the current year, for said taxpayer;

expense information for the current year, for said taxpayer;

a processor adapted to process said income information and said expense information to determine an estimated income tax refund amount for said taxpayer for said current tax year;

a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated income tax refund amount for said current tax year for said taxpayer.

5. (Amended) A method for providing a loan to a taxpayer, said method comprising:

estimating said taxpayer's income tax refund amount due for said current year prior to the completion of said current tax year;

providing a loan to said taxpayer based on said estimated income tax refund amount due for said current tax year, said loan provided before the end of said current tax year.